

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

MICHAEL SEVENS MARTINEZ,	:	CIV. NO. 19-21102 (RMB)
	:	
Plaintiff	:	
	:	
v.	:	OPINION
	:	
UNITED STATES OF AMERICA	:	
<i>et al.</i> ,	:	
	:	
Defendants	:	

BUMB, DISTRICT JUDGE

Plaintiff Michael Sevens Martinez, a prisoner confined in the Federal Correctional Facility in Fairton, New Jersey ("FCI Fairton") brings this civil action under the Federal Tort Claims Act, 28 U.S.C. § 1346 *et seq.* and § 2671 *et seq.* (Compl., ECF No. 1.) Plaintiff paid the \$400 filing fee.

When a prisoner pays the filing fee for a civil action regarding prison conditions and seeks redress from a governmental entity, officer or employee of a governmental entity, 28 U.S.C. § 1915A(b) and 42 U.S.C. § 1997e(c)(1) require courts to review the complaint and *sua sponte* dismiss any claims that are (1) frivolous or malicious; (2) fail to state a claim on which relief may be granted; or (3) seek monetary relief against a defendant who is immune from such relief.

This Court has screened the Complaint in this action for dismissal and has determined that the United States is the sole proper defendant to this FTCA action arising out of Plaintiff's injury from a chemical burn on March 25, 2019 at FCI Fairton. See Murchison v. Warden Lewisburg USP, 566 F. App'x 147, 150 (3d Cir. 2014) (finding United States is sole proper defendant to FTCA action). The FTCA claims against the remaining defendants are dismissed with prejudice. The FTCA claim against the United States may proceed.

Having paid the filing fee, Plaintiff is responsible for serving the complaint on the United States in compliance with Federal Rule of Civil Procedure 4. The Court will direct the Clerk's Office to issue a summons. If Plaintiff wishes to have a United States Marshal serve the defendant, Plaintiff shall return the completed summons, with prepayment of \$60 to the United States Marshals Service, mailed to the Clerk's Office.

DATE: June 15, 2020

s/Renée Marie Bumb
RENÉE MARIE BUMB
United States District Judge